

(g) service center calls the called party; and

(h) when called party picks up, service center bridges connection between subscriber and called party.

19. A method as in claim 18 in which the subscriber identifier in step (a) is a direct inward dial number.

20. A method as in claim 18 in which a conference call between at least three persons is established by:

(i) subscriber enters the number of one or more additional called parties to the service center;

(j) service center calls the additional party or parties; and

(k) when additional called party or parties pick up, service center connects subscriber and all parties in a conference call.

Remarks

Undersigned counsel greatly appreciates the genuine efforts of Examiner Zele and Examiner Matar to advance the prosecution of this case through a formal interview with Examiner Zele on February 14, 1997, and numerous informal telephone conferences with Examiner Matar since then. Confusion has resulted from a misguided attempt to clarify the continuation application in order to facilitate a prompt allowance. It was misguided because it introduced errors and ambiguities in the Preliminary Amendment. On August 22, Examiner Matar stated on the telephone that the errors were such that the Preliminary Amendment could not be entered.

This substitute Preliminary Amendment is intended to replace the erroneous one, as well as to present three new claims to replace three method claims of the parent case, and to present a Declaration of Wyatt relating to the commercial success of the invention under 37 C.F.R. § 1.132, because Examiner Matar stated on August 22 that he intended to reject the claims on new prior art. Anticipatory traverse is normally not helpful, but commercial success relates to the invention as a secondary consideration and only tangentially relates to specific prior art. It is submitted that because the Petition to Make Special has been granted, an affidavit on commercial success is timely whenever it is made available for the consideration by the Examiner.

Turning to the merits, there really are only two parties to any telephone call under the method and apparatus of the present invention: the subscriber and the called party. In addition, there is a central station that records the subscriber identification to determine that it is truly a subscriber placing the call. The central station is a switching facility that calls back a subscriber after the entry of the identification. The International Telecommunications Union urges that no charge may be made for unanswered calls. The central station calls the subscriber back at the toll rate from the central station to the subscriber, which often may be cheaper than the tariff from subscriber to central station.

When the subscriber picks up the call-back, he dials in the number of the called party, and the central station connects the called party to the subscriber. Often, the tariff from the central station to the called party is substantially less than that from the subscriber to the called party. The previous Preliminary Amendment failed to

particularly point out these basic truths regarding the invention, and this substitute is intended to clarify what is truly the invention disclosed and claimed in the application. There is no alteration of the specification, so there cannot be any finding of "new matter." On the other hand, the use of multiple terms to describe the subscriber, such as "originator," and "calling party," tends to suggest more than one party. "Subscriber," "calling party" and "originator" are all the same one (page 12, lines 30-1). To avoid any risk of inserting new matter into the specification, only the claims have been amended to consistently use the term "subscriber" to refer to this party. The called party is sometimes called the "third party station" (e.g., original claim 1, lines 26, 29-30). This has been changed in the claims to consistently use "called party."

At the present time, tariffs in the United States are among the lowest in the world, so most central stations are in the United States. By way of example, a subscriber in South Africa can call a central station in the United States, giving his identifier number, but not completing the call, so there is no toll. The central station calls the subscriber back, and the subscriber enters the number he wishes to call in, say Italy. The central station then calls the number in Italy. When the called party picks-up, the central station bridges the call to the subscriber and the call to the called party to connect the two. The cost of the long distance call is almost always less than a call directly from South Africa to Italy, because the tariffs are set by each country on outgoing calls only, not on incoming calls, and there are only two outgoing calls from the low-rate United States, and none from either South Africa or Italy. The international call-back industry is widely used, to the tune of over one billion dollars

(\$1,000,000,000) per year, as shown by the Declaration of Wyatt. Almost all of the industry uses the present invention (Wyatt Decl. paragraph 3).

The new claims are intended to more simply define the method by replacing claims 14-17 with three new method claims.

It is respectfully submitted that all of the claims are in condition for allowance. Because of the slow mail service between Washington and San Francisco, applicant requests communication by telephone if it will advance the prosecution of this case. Favorable action is solicited.

Respectfully submitted,

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Para-1479

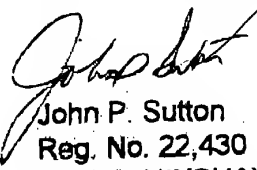
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